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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOHN SAYYAH, et al.	:	Case No. C-1-01 459
Plaintiffs	:	<u>Judge Watson</u> <u>Magistrate Judge Black</u>
vs.	:	<b><u>MEMORANDUM OF DEFENDANTS</u></b>
WAYNOKA PROPERTY OWNERS	:	<b><u>ROBERT RICKLING AND SHIRLEY</u></b>
ASSOCIATION, INC., et al.	:	<b><u>HEMPFLING IN OPPOSITION TO</u></b>
Defendants	:	<b><u>PLAINTIFFS' MOTION TO DECLARE</u></b>
	:	<b><u>THAT FRAUD UPON THIS COURT</u></b>
	:	<b><u>MAKES VOID MAGISTRATE</u></b>
	:	<b><u>BLACK'S REPORT AND</u></b>
	:	<b><u>RECOMMENDATION</u></b>

Now come defendants Robert Rickling and Shirley Hempfling and join in the opposition of defendants Donald E. Fender, Inc., James L. Bridges, and Milan Gorby to Plaintiffs' Motion to Declare that Fraud Upon This Court Makes Void Magistrate Black's Report and Recommendation and hereby adopt as if fully rewritten herein the memorandum of defendants Donald E. Fender, Inc., James L. Bridges, and Milan Gorby in opposition to said motion. Plaintiffs have failed to timely file objections to the Report and Recommendation. The motion does not satisfy the requirements of Fed. R. Civ. 72(b) and thus cannot be considered as objections to the Report and Recommendation. Indeed, plaintiffs do not object to any specific findings and recommendations.

Defendants Robert Rickling and Shirley Hempfling urge this Court to deny plaintiff's motion, accept the recommended decision of the Magistrate, and dismiss this action.

/s/ Matthew R. Skinner

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served by ordinary U.S. Mail or by e-mail where an e-mail address is indicated upon the following this 24th day of November, 2004.

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